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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,471	02/21/2002	Robert Wallace Besoyan	269/018	1042

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EXAMINER

BOGART, MICHAEL G

ART UNIT	PAPER NUMBER
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3761

DATE MAILED: 03/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/081,471

Applicant(s)

BESOYAN, ROBERT WALLACE

Examiner

Michael G. Bogart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7 is/are allowed.
- 6) ☒ Claim(s) 8-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4. 6) ☐ Other:

DETAILED ACTION

Claim Objections

Claims 1 and 8 are objected to because of the following informalities:

- ✓ Claim 1 recites the limitation "the user" in line 2. There is insufficient antecedent basis for this limitation in the claim.
- ✓ Claim 8 recites the limitation "the user" in line 2. There is insufficient antecedent basis for this limitation in the claim.
- ✓ In claim 8, line 2, "waste band" should be replaced with --waistband--.
- ✓ Claim 8 recites the limitation "the urine" in line 11. There is insufficient antecedent basis for this limitation in the claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

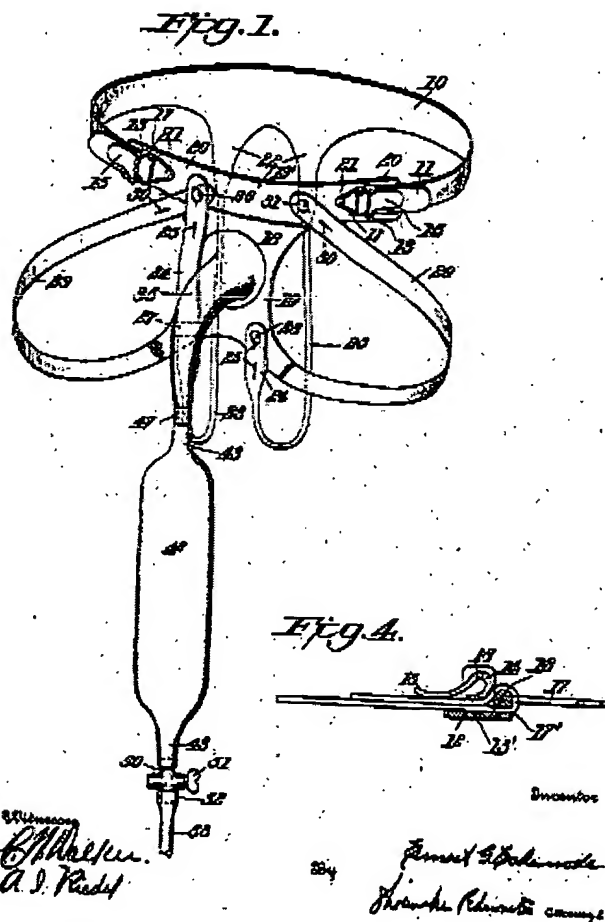
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Eckenrode (US 1,229,423) in view of Moss (US 3,555,651).

Eckenrode teaches a male incontinence device comprising a waistband (10) for encircling the waist of the user, a reservoir (35, 42) having an upper end (35) securely attached to the

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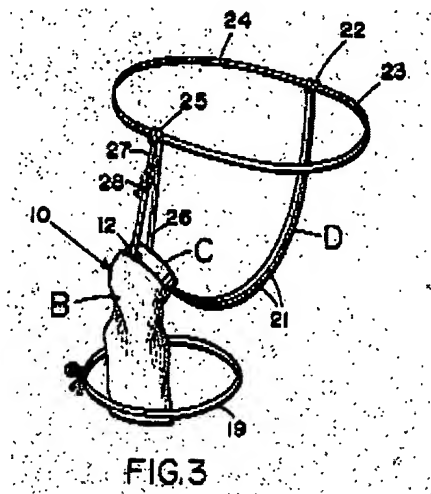
forward side (18) of the waistband (10), a penis condom sheath (36) dipped within an upper end (35) of the reservoir (35, 42), the condom (35) being elongated and having a lower end (40) with an opening (45), the opening (45) communicating with an opening (44) in the reservoir (35, 42); and a drain assembly (50, 51, 52) coupled with the lower end (43) of the reservoir (35, 42) and having at least one drain lock (51) for allowing selective draining of the urine in the reservoir (35, 42)(see Fig. 1, below).



Eckenrode therefor expressly teaches every limitation of the claimed invention except for a drawstring.

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Moss teaches a body worn disposable urinal comprising a drawstring assembly (12, 26, 27, C) for allowing the upper end of the condom (10) to be cinched at the base of a penis (see Fig. 3, below).



At the time of the invention, it would have been obvious to one of ordinary skill in the art to combine the drawstring assembly of Moss with the drainage appliance as taught by Eckenrode in order to provide a fully adjustable means of securing the appliance to a user.

Regarding claim 9, Eckenrode teaches an anti-siphon valve (33).

Regarding claim 10, Eckenrode teaches a liquid valve (51) and a universal adapter (52).

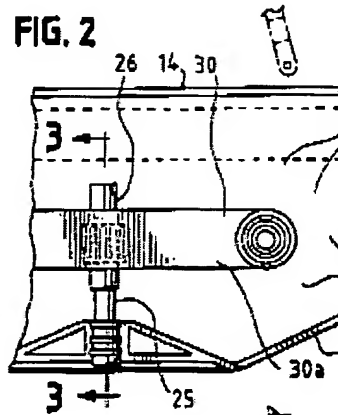
Claims 11 and 12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Eckenrode and Moss as applied to claims 8-10 above, and further in view of Cawood (US 6,045,542).

Eckenrode and Moss together expressly disclose the claimed invention except for a receptacle on the outer surface of the reservoir.

Cawood teaches a urine collection device (10) with a reservoir (11) having upon its outer surface a receptacle (30), and the drain assembly (25) is adapted to be folded to allow an end of

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the adapter (26) to attach to the receptacle to prevent drainage of the reservoir (11)(see Fig. 2, below).



Regarding claim 12, Eckenrode teaches a plurality of straps (29) for maintaining the waistband (10) about the waist of a user, the waistband (10) having a front side (18) to be worn adjacent the abdomen of a user.

Allowable Subject Matter

Claims 1-7 are allowed.

As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

The following is an examiner's statement of reasons for allowance:

No art of record teaches or renders obvious in combination with another reference a waist band, a reservoir having an upper end attached to the front side of the waistband and a condom sheath disposed with an upper end of the reservoir and **having at least a portion thereof attached to the inside of the backside of the waistband.**

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Bogart whose telephone number is (703) 605-1184. The examiner can normally be reached Monday-Friday.

In the event the examiner is not available, the examiner's supervisor, Weilun Lo may be reached at phone number (703) 308-1957. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3590 for regular communications and (703) 306-4520 for informal communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0858.


Michael Bogart
March 21, 2003


WEILUN LO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700